

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division

In re:

LeClairRyan, PLLC,¹

Debtor

Case No.

19-34574-KRH

Chapter

7

**MOTION TO (I) EXPEDITE HEARING AND (II) SHORTEN NOTICE PERIOD
ON THE TRUSTEE'S MOTION FOR APPROVAL OF COMPROMISE AND
SETTLEMENT AND MEMORANDUM IN SUPPORT THERETO**

Lynn L. Tavenner, Trustee, not individually, but solely in her capacity as the Chapter 7 trustee (in such capacity, the “**Trustee**”) of the bankruptcy estate (the “**Estate**”) of LeClairRyan PLLC (“**LeClairRyan**” and/or the “**Debtor**”), in the above-referenced Chapter 7 case (the “**Case**”) hereby moves, by counsel, (the “**Expedited Hearing Motion**”) the Court for the entry of an order pursuant to Local Bankruptcy Rule 9013-1(N) granting an expedited hearing and shortening the notice period thereof on her Motion for Approval of Compromise and Settlement and Memorandum of Law (the “**Motion**”),² which Motion seeks the entry of an order approving a settlement with Petersburg Regency LLC (“**PR**”) and Robert Harmon (“**Harmon**” and together with PR, the “**Claimants**”). In support of this Expedited Hearing Motion, the Trustee respectfully

¹ The principal address of the Debtor as of the petition date was 4405 Cox Road, Glen Allen, Virginia 23060, and the last four digits of the Debtor’s federal tax identification number are 2451.

² Capitalized terms not otherwise defined shall have the meanings given them in the Motion.

Paula S. Beran, Esquire (Va. Bar No. 34679)
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20 North Eighth Street, Second Floor
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Counsel for Lynn L. Tavenner, Chapter 7 Trustee

represents as follows:

JURISDICTION

1. The United States Bankruptcy Court for the Eastern District of Virginia (the “**Court**”) has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the *Standing Order of Reference from the United States District Court for the Eastern District of Virginia*, dated August 15, 1984.

2. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).

3. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

RELIEF REQUESTED

4. Contemporaneously herewith, the Trustee has filed the Motion, which seeks approval of a settlement with the Claimants. A material part of the Settlement is payment in 2022. As such, the Trustee agreed to request from this Court an expedited hearing of the Motion such that the matter could be heard, approved by final order, and check/wire request processed through the requisite channels at Axis, with the goal of payment being received in 2022. Furthermore, this Court previously entered an *Agreed Order Granting Petersburg Regency LLC and Robert Harmon Limited Relief from the Automatic Stay*, [ECF. No. 1128] which order permits the payment of the Settlement Amount from the proceeds of the Malpractice Policy given the same is within the limits of the Malpractice Policy and said payment fully resolves the Petersburg Lawsuit.³

³ Given the Trustee’s participation at the request of the New Jersey Mediator and the Estate being a proposed party to the Settlement Agreement, the Trustee filed the Motion seeking the requested relief.

LEGAL AUTHORITY

5. Local Rule 9013-1(N) contemplates the relief requested herein. Pursuant to Local Rule 9013-1(N), the Certification for Expedited Hearing is attached hereto as Exhibit A.

6. Bankruptcy Rule 2002 requires at least 21-days' notice for a hearing on the Motion. However, under Bankruptcy Rule 9006(c), this Court may shorten notice and conduct the expedited hearing upon cause shown ("the court for cause shown may in its discretion with or without motion or notice order the period reduced"). Furthermore, this Court has previously granted motions for an expedited hearing to consider a motion to compromise or settle claims in this Case as well as in other cases. *See In re Health Diagnostic Laboratory, Inc. et al.*, Case No 15-32919 (Bankr. EDVA 2015) (Dkt Nos. 5281, 5048) (Adv. P. No. 17-3029, Dkt No. 52, 128) (Order Granting Motion to Expedite Hearing).

7. For the reasons stated herein and in the Motion, the Trustee submits that the requisite cause has been shown and, as such, respectfully requests that this Court shorten the notice period and conduct a hearing on the Motion on November 29, 2022.

NOTICE

8. Copies of this Expedited Hearing Motion and notice thereof have been provided to (a) the Office of the United States Trustee, (b) the Debtor's 20 Largest Unsecured Creditors; (c) all known secured creditors from the Debtor's Official Form 106D; (d) the Core Parties and 2002 List as defined in the *Case Management Order*; and (e) all parties requesting service of pleadings in this Case.

WHEREFORE, the Trustee respectfully requests that the Court enter an order substantially in the form attached hereto as Exhibit B: (a) permitting the Trustee to present the Motion on an expedited basis and (b) granting such other and further relief, as the Court may deem proper.

Dated: November 27, 2022
Richmond, Virginia

LYNN L. TAVENNER, TRUSTEE

By: /s/ Paula S. Beran
Paula S. Beran, Esquire (VSB No. 34679)
Tavener & Beran, PLC
20 North 8th Street
Richmond, Virginia 23219
Telephone: (804) 783-8300
Facsimile: (804) 783-0178

Counsel for Lynn L. Tavenner, Trustee

CERTIFICATE OF SERVICE

Pursuant to the Local Rules and/or orders of this Court, I certify that on this 27th day of November 2022, a true copy of the foregoing Motion was sent electronically and/or by first-class mail to: (a) the Office of the United States Trustee; (b) the Debtor's 20 Largest Unsecured Creditors; (c) all known secured creditors from the Debtor's Official Form 106D; (d) the Core Parties and 2002 List as defined in the *Case Management Order*; and (e) all parties requesting service of pleadings in this Case.

/s/ Paula S. Beran

Counsel for the Trustee

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division

In re:

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CERTIFICATION FOR EXPEDITED HEARING

Lynn L. Tavenner, Trustee, not individually, but solely in her capacity as the Chapter 7 trustee (in such capacity, the “**Trustee**”) of the bankruptcy estate (the “**Estate**”) of LeClairRyan PLLC (“**LeClairRyan**” and/or the “**Debtor**” and/or “**LCR**”), in the above-referenced Chapter 7 case (the “**Case**”) Lynn L. Tavenner, Chapter 7 Trustee (the “**Trustee**”), has filed (a) a request for an expedited hearing (the “**Expedited Hearing Motion**”) and (b) the Motion (as defined in the Expedited Hearing Motion). In support thereof, as required by Local Rule 9013-1(N), I, Paula S. Beran, hereby swear under penalty of perjury the following:

1. I am a member of the Bar of this Court;
2. I have carefully examined the matter and have concluded that there is a true need for an emergency hearing;
3. I have not created the emergency through any lack of due diligence; and
4. I am unable to resolve the matter without a hearing.

/s/ Paula S. Beran

Paula S. Beran, Esquire

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division

In re:

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**ORDER GRANTING EXPEDITED HEARING ON THE TRUSTEE'S MOTION
TO (I) EXPEDITE HEARING AND (II) SHORTEN NOTICE PERIOD
ON THE TRUSTEE'S MOTION FOR APPROVAL OF COMPROMISE AND
SETTLEMENT AND MEMORANDUM IN SUPPORT THERETO**

This matter came before the Court upon the motion of Lynn L. Tavenner, Chapter 7 trustee (the "**Trustee**") of the above-captioned bankruptcy case, requesting an expedited hearing and shortened response period (the "**Expedited Hearing Motion**") on the Motion (as defined in the Expedited Hearing Motion), and it appearing that a certification under Local Rule 9013-1(N) was attached to the Expedited Hearing Motion and it further appearing good cause exists for granting an expedited hearing, it is hereby:

ADJUDGED, ORDERED, AND DECREED as follows:

1. The Expedited Hearing Motion is hereby GRANTED.

¹ The principal address of the Debtor as of the petition date was 4405 Cox Road, Glen Allen, Virginia 23060, and the last four digits of the Debtor's federal tax identification number are 2451.

Paula S. Beran, Esquire (Va. Bar No. 34679)
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20 North Eighth Street, Second Floor
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Telephone: (804) 783-8300
Facsimile: (804) 783-0178

Counsel for Lynn L. Tavenner, Chapter 7 Trustee

2. Capitalized terms not otherwise defined herein shall have the meanings given to them in the Expedited Hearing Motion.

3. Pursuant to Bankruptcy Rule 9006, the notice period for the Motion is hereby reduced to 2 days.

4. The Court shall hear the Motion on November 29, 2022 at 1:00 p.m. (prevailing Eastern Time) at the U.S. Bankruptcy Court, 701 East Broad Street, Room 5000, Richmond, Virginia 23219.

5. Upon entry, the Clerk shall serve (by electronic delivery) a copy of this Order on counsel for the Trustee.

ENTERED:

UNITED STATES BANKRUPTCY JUDGE

I ask for this:

/s/

Paula S. Beran, Esquire (VSB No. 34679)
Tavenner & Beran, PLC
20 North 8th Street
Richmond, Virginia 23219
Telephone: (804) 783-8300
Facsimile: (804) 783-0178

Counsel for Lynn L. Tavenner, Trustee

Seen and not objected to:

Shannon F. Pecoraro, Esquire
Office of the United States Trustee
701 East Broad Street, Suite 4304
Richmond, Virginia 23219
(804) 771-8004

Trial Attorney

Local Rule 9022-1 Certification

I hereby certify that, pursuant to Local Rule 9022-1, the foregoing proposed *Order* has either been served upon and/or endorsed by all necessary parties.

Counsel

Service List for Entered Order

Shannon F. Pecoraro, Esquire
Office of the United States Trustee
701 East Broad Street, Room 4304
Richmond, Virginia 23219

Paula S. Beran, Esquire
Tavenner & Beran, PLC
20 North Eighth Street, Second Floor
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